REMARKS

I. Introduction

In response to pending Office Action, Applicant respectfully submits that the pending claims are patentable over the cited prior art references for at least the reasons set forth below.

II. Prior Art Rejections

Claims 1-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by USP No. 6,018,768 to Ullman. For at least the following reasons, it is clear that Ullman does not anticipate the pending claims.

The present disclosure relates to a method and a system for allowing the presentation of web content associated with a selected program or channel currently displayed on a first display device (*e.g.*, a television) to be presented on an auxiliary device. In accordance with the present disclosure, data associated with the currently tuned channel is received by the auxiliary display device and correlated in a database stored in a set-top box or auxiliary device to obtain a URL associated with the tuned channel. Upon identifying the URL obtained from the database based on the channel information, the webpage defined by the URL is displayed on the auxiliary device. Importantly, one of the main objectives of the present disclosure is to eliminate the need to provide the URL data encoded within the content of the program being displayed by the first display device as is currently done in the prior art (*see, e.g.*, paragraph [0012] of USP Pub. No. 2003/0154492). Thus, the present disclosure allows an auxiliary device to display web content associated with selected programming displayed on, for example, a television without having to incorporate ATVEF data into the program content provided to the television.

Referring, for example, to independent claim 7, the claim recites in a communications system including a set-top box (STB) in communication with a remote server, a television and an auxiliary display device, a method of changing program channels viewed on the television and presenting, on a display of the auxiliary display device, a web page associated with a current tuned channel viewed on the television. The method comprises: (a) ***receiving, at the STB, a virtual channel map (VCM) from the remote server, the VCM including uniform resource locator (URL) information associated with at least one program channel***; (b) the STB transmitting the VCM to the auxiliary display device; (c) ***storing the VCM in the auxiliary display device***; (d) the STB transmitting current tuned channel information to the auxiliary display device; (e) ***the auxiliary display device correlating the current tuned channel information to a particular URL contained in the VCM***; and (f) the auxiliary display device presenting web content associated with the particular URL on the display of the auxiliary display device.

Turning to the cited prior art and the pending rejection, it is summarily concluded that Ullman discloses the foregoing steps recited by claim 7. However, Ullman fails to do so. In fact, Ullman discloses practicing the precise method the present disclosure intends to avoid, i.e., putting the website information (*e.g.*, URL address) directly into the video signal associated with the program provided to the television. Specifically, Ullman discloses that the given system requires that the "[w]eb pages be sent in the vertical blanking interval (VBI) of the video signal" (*see*, Ullman, col. 3, lines 7-11).

Moreover, the portions of Ullman cited in the rejection also fail to disclose the method steps of claim 7. For example, col. 3, lines 44-59 and col. 6, lines 44-48 are cited as disclosing all of the foregoing method steps recited by claim 7. Clearly, these sections do not. Col. 3, lines

44-59 and col. 6, lines 44-48 discuss an alternative embodiment of Ullman in which the URLs are transmitted to users at a predetermined schedule which corresponds to the predetermined broadcasts. Thus, in this embodiment, the broadcaster will send out URLs to the users at predetermined times (e.g., daily, weekly, monthly, yearly) which correspond to the time the programs provided by the broadcaster are made available to the user. As noted by Ullman, a Link file is provided to the user via the Internet and the file contains the time codes, URL addresses and titles of the various programs for each Webpage the broadcaster wishes to associate with a given program.

However, at a minimum, nowhere does Ullman appear to disclose or suggest the recited method steps of receiving and storing a virtual channel map, which correlates URLs to specific channels; storing the virtual channel map in the auxiliary display device; providing the tuned channel information to the auxiliary device; correlating the current tuned channel to a particular URL contained in the virtual channel map and displaying the web content associated with the particular URL.

Thus, it is clear from the foregoing that at best Ullman discloses providing a file to the user which correlates URLs to specific time periods in which the broadcaster is transmitting the given program. Ullman does not disclose or suggest storing or utilizing a virtual channel map which correlates URLs to specific channels, or retrieving the URLs by only providing channel information to the auxiliary device.

Accordingly, as is well known, anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, *IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3rd 1377, 1380 (Fed. Cir. June 2006). As Ullman fails to disclose or suggest at least the foregoing elements, it is clear that Ullman does

not anticipate claim 7. Moreover, as claims 1, 14 and 21 recite similar elements, it is respectfully submitted that Ullman also fails to anticipate claims 1, 14 and 21.

Applicant also notes that the Office Action summarily rejects all pending claims without any specific reference to those portions of the cited references considered to read on each claim feature. Applicant would like to remind the Examiner that the "goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." *MPEP § 706.* Moreover, when "a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained ...." *37 C.F.R. 1.104(c)(2).* Applicant requests that any future rejections clearly articulate how the Examiner has applied the reference to each claim feature by referring specifically to those portions of the cited references thought to read on the claims.

III. Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.,* 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claims 1, 7, 14 and 21 are patentable for at least the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable.

IV. Summary

Applicant submits that all of the claims are now in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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